

On August 11, 1921, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering that it be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9768. Adulteration and misbranding of olive oil. U. S. * * * v. George Coroneos, Peter Coroneos, and Horace Coroneos (Coroneos Bros.). Pleas of nolo contendere. Fine, \$100. (F. & D. No. 12887. I. S. Nos. 13273-r, 14892-r, 15559-r, 15562-r, 16247-r, 16248-r.)

On November 8, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Coroneos, Peter Coroneos, and Horace Coroneos, copartners, trading as Coroneos Bros., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania, as follows: On or about February 15, 1919, into the State of New York, of a quantity of Miguel Moreno Moncayo olive oil; on or about January 30 and February 10, 1919, into the State of Maryland and the District of Columbia, respectively, of quantities of an article labeled "Grecco"; and on or about February 1, 1919, into the State of Georgia, of quantities of Italia Brand olive oil and Hellenic Ideal Brand olive oil, all of which were adulterated and misbranded; and on or about March 27, 1919, into the State of New Jersey, of a quantity of Italia Brand olive oil which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the Miguel Moreno Moncayo Brand, both consignments of the product labeled "Grecco," and the consignment of the Italia Brand of February 1, 1919, into Georgia, consisted largely and in most cases almost entirely of cottonseed oil, and that the consignment of Hellenic Ideal Brand consisted largely of cottonseed oil and peanut oil. Examination by the said bureau of 3 cans of the Italia Brand from the consignment of March 27, 1919, into New Jersey, showed an average net volume of approximately 15.08 fluid ounces, or an average shortage of 5.73 per cent.

Adulteration of the article in all consignments, with the exception of that labeled "Italia Brand" of March 27, 1919, into New Jersey, was alleged in the information for the reason that cottonseed oil or cottonseed oil and peanut oil, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding was alleged with respect to the Miguel Moreno Moncayo olive oil, the Italia Brand olive oil involved in the consignment of February 1, 1919, into Georgia, and the Hellenic Ideal Brand olive oil, for the reason that the statements, to wit, "Olive Oil Malaga Spain," "Prodotti Italiani Olio di Oliva Pure Olive Oil Sopraffino Italia Brand Lucca Toscana Italia," and "Pure Olive Oil," together with the design and device of a woman in Greek national dress and Greek flags, borne on the cans containing the article, respectively, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Spain, Italy, or Greece, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil and that it was a foreign product, to wit, an olive oil produced in the Kingdom of Spain, Italy, or Greece, as the case might be, whereas, in truth and in fact, it was not olive oil but was a mixture composed in part of cottonseed oil or cottonseed oil and peanut oil, and it was not

a foreign product, but was a domestic product, to wit, an article produced in the United States of America. Misbranding was alleged for the further reason that it was a mixture composed in part of cottonseed oil or cottonseed oil and peanut oil, as the case might be, prepared in imitation of olive oil and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the said statements, designs, and devices purported the article to be a foreign product when not so. Misbranding was alleged with respect to the Miguel Moreno Moncayo olive oil and the Italia Brand olive oil involved in the consignment of February 1, 1919, into Georgia, for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was branded as manufactured and produced in the Kingdom of Spain or Italy, as the case might be, whereas it was manufactured and produced in the United States of America. Misbranding was alleged with respect to the consignment of Italia Brand olive oil of March 27, 1919, into New Jersey, for the reason that the statement, to wit, "Net Contents 1/8 Gall," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the said cans contained $\frac{1}{8}$ gallon net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained $\frac{1}{8}$ gallon net of the article, whereas, in truth and in fact, each of the said cans did not contain $\frac{1}{8}$ gallon but did contain a less amount. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of both consignments of the product labeled "Grecco" was alleged for the reason that the statement, to wit, "Grecco," borne on the cans containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was Greek olive oil, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was Greek olive oil, whereas, in truth and in fact, it was not Greek olive oil but was a mixture composed in large part of cottonseed oil.

On June 28, 1921, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9769. Adulteration and misbranding of alleged cider vinegar. U. S. * * * v. 26 Barrels of Alleged Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12916. I. S. No. 14477-r. S. No. E-2318.)

On June 14, 1920, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 26 barrels of alleged cider vinegar, remaining unsold in the original unbroken packages at Springville, N. Y., consigned by the National Vinegar Co., St. Louis, Mo., alleging that the article had been shipped from Butler, Ind., on or about March 16, 1920, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a product made from corn sugar had been mixed and packed with, and substituted wholly or in part for, cider vinegar.

Misbranding was alleged in substance for the reason that the statement "Cider Vinegar" borne on the barrels containing the article was false and